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Paper No. 6

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OCT 10 2001

In re Application of : OFFICE OF PETITIONS
Richard Soltys et al : DECISION GRANTING
Application No. 09/849,456 : PETITION
Filed: May 4, 2001 :
Attorney Docket No. 120109.402 :
TC 37044 JUN 14 2001 RECEIVED
1.10(c).

This is a decision on the paper styled "Request For Corrected Filing Receipt" filed August 13, 2001, requesting that the above identified application be accorded a filing date of May 4, 2001 rather than the presently accorded filing date of May 3, 2001. The petition is properly treated as a petition under 37 CFR 1.10(c).
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Petitioners request the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on May 4, 2001, pursuant to the requirements of 37 CFR 1.10. In support, petitioners provide a copy of the receipt for Express Mail label No. EL755726065US. The same Express Mail receipt number was referred to in the copy of the original transmittal letter found in the present application. It is noted that while the "date-in" on the copy of the Express Mail receipt is not legible, it includes a "Columbia Center Station WA" receipt stamp dated "May 4, 2001".

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on May 4, 2001.

The petition is granted.

Receipt is acknowledged of the statutory basic filing fee and declaration filed September 4, 2001, in response to the Notice mailed July 3, 2001.

The application is being returned to Initial Patent Examination Division for correction of the filing date to May 4, 2001.

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Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley

Sherry Brinkley
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for Patent Examination Policy